

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Michael Anthony Breyan,)	
)	
Plaintiff,)	
)	Civil Action No. 2:24-cv-565-BHH
v.)	
)	<u>ORDER</u>
Governor Henry McMaster,)	
)	
Defendant.)	
)	

This matter is before the Court upon Plaintiff Michael Anthony Breyan's ("Plaintiff") pro se complaint against the Governor of South Carolina, Henry McMaster. (ECF No. 1.) In accordance with Local Civil Rule 73.02(B)(2), D.S.C., the matter was referred to a United States Magistrate Judge for initial review.

On March 20, 2024, Magistrate Judge Mary Gordon Baker filed a Report and Recommendation ("Report") outlining the issues and recommending that the Court summarily dismiss this action without further leave to amend, explaining that Plaintiff's allegations are "so detached from reality that there is no conceivable way for [him] to cure the complaint's deficiencies through amendment." (ECF No. 6 at 5 (quoting *Kraim v. Virginia*, No. 3:21-cv-326, 2021 WL 3612305, at *3 (S.D.W.Va. July 26, 2021), *adopted*, 2021 WL 3610509 (S.D.W.Va. Aug. 13, 2021).) Attached to the Report was a notice advising Plaintiff of his right to file written objections to the Report within fourteen days of being served with a copy. On April 1, 2024, Plaintiff filed objections to the Report. (ECF No. 9.)

The Magistrate Judge makes only a recommendation to the Court. The

recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After review of Plaintiff’s objections, the Court notes that Plaintiff merely reiterates his nonsensical and delusional claim that the former Vice-President of the United States, Mike Pence, flew to South Carolina in December of 2020 and ordered Defendant McMaster to pay Plaintiff “\$20 million trillzillion 550 billion katrillion.” (ECF No. 9 at 1.) Importantly, nowhere in his objections does Plaintiff specifically respond to the Magistrate Judge’s analysis or her findings: that Plaintiff’s complaint is patently frivolous; that Plaintiff fails to state a plausible claim for relief; and that the Eleventh Amendment bars damages actions against arms of the state, such as Defendant McMaster. In all, the Court finds Plaintiff’s objections wholly without merit, and the Court agrees with the Magistrate Judge’s analysis. Accordingly, the Court hereby overrules Plaintiff’s objections (ECF No. 9); adopts and incorporates the Magistrate Judge’s Report (ECF No. 6); and summarily dismisses this action without further leave to amend. *See Britt v. DeJoy*, 45 F.4th 790, 796 (4th Cir.

2022).

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

April 10, 2024
Charleston, South Carolina